


On March 7, 2019, Plaintiff filed his Complaint in this matter under 42 U.S.C. § 1983 and an application to proceed in forma pauperis. [Docs. 1, 2]. In Plaintiff's IFP application, Plaintiff attested that he was incarcerated at the Ashe County Jail and that he has no wages. [Doc. 2 at 1]. On March 21, 2019, the Clerk entered an Order for a certified copy of Plaintiff's most recent trust fund account statement for the six (6) month period immediately preceding the filing of the Complaint in accordance with 28 U.S.C. § 1915. [Doc. 3]. The Order was sent the same day to the Ashe County Detention Center ("Detention Center") where Plaintiff was detained. The Detention Center never provided Plaintiff's most recent trust fund statement and no payments have been made toward Plaintiff's \$400.00 filing fee. At some point after filing the Complaint in this matter, Plaintiff was transferred to the custody of the Alleghany County Sheriff's Office. On or about May 21, 2019, Plaintiff was released from custody. On June 13, 2019, Plaintiff filed a notice

of change of address with the Court reflecting Plaintiff's current address in Thornton, Colorado.
[Doc. 8].

Given that Plaintiff is no longer incarcerated, has relocated, and may no longer be eligible for IFP status, the Court will order the Plaintiff to either pay the \$400.00 filing fee or to file an Amended Application. Should the Plaintiff choose to file an Amended Application, he should use and complete in full the Application to Proceed in District Court without Prepaying Fees or Costs (Long Form) (AO 239), which is available through the Court's website, <http://www.ncwd.uscourts.gov>.

IT IS, THEREFORE, ORDERED that Plaintiff shall, within thirty (30) days of this Order, either pay the \$400.00 fee to file his Complaint or file an Amended Application, using AO Form 239, within thirty (30) days of entry of this Order. **Failure to pay the fee or to file an Amended Application within the time required will result in the dismissal of this action without prejudice.**

Signed: November 17, 2019


Frank D. Whitney
Chief United States District Judge 